

CIVIL COVER SHEET

The JS-44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON PAGE TWO.)

I.(a) PLAINTIFFS

Technology Licensing Company, Inc.

DEFENDANTS

Yamaha Corporation of America

(b) COUNTY OF RESIDENCE OF FIRST LISTED PLAINTIFF _____
(EXCEPT IN U.S. PLAINTIFF CASES)

Marin County

COUNTY OF RESIDENCE OF FIRST LISTED DEFENDANT _____
(IN U.S. PLAINTIFF CASES ONLY)

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE
TRACT OF LAND INVOLVED. Buena Park, CA

(c) ATTORNEYS (FIRM NAME, ADDRESS, AND TELEPHONE NUMBER)

John Carpenter, 33 1/2 Los Pinos, Nicasio, CA 94946, 415-577-0698

ATTORNEYS (IF KNOWN)

14

II. BASIS OF JURISDICTION (PLACE AN "X" IN ONE BOX ONLY)
☐ 1 U.S. Government
Plaintiff

☒ 3 Federal Question
(U.S. Government Not a Party)

☐ 2 U.S. Government
Defendant

☐ 4 Diversity
(Indicate Citizenship of Parties in
Item III)
III. CITIZENSHIP OF PRINCIPAL PARTIES (PLACE AN "X" IN ONE BOX FOR PLAINTIFF AND ONE BOX FOR DEFENDANT)

	PTF	DEF		PTF	DEF
Citizen of This State	<input type="checkbox"/> 1	<input type="checkbox"/> 1	Incorporated or Principal Place of Business in This State	<input type="checkbox"/> 4	<input type="checkbox"/> 4
Citizen of Another State	<input type="checkbox"/> 2	<input type="checkbox"/> 2	Incorporated and Principal Place of Business in Another State	<input type="checkbox"/> 5	<input type="checkbox"/> 5
Citizen or Subject of a Foreign Country	<input type="checkbox"/> 3	<input type="checkbox"/> 3	Foreign Nation	<input type="checkbox"/> 6	<input type="checkbox"/> 6

IV. ORIGIN

(PLACE AN "X" IN ONE BOX ONLY)

☒ Original
Proceeding

☐ Removed from
State Court

☐ Remanded from
Appellate Court

☐ Reinstated or
Reopened

☐ Transferred from
Another district
(specify)

☐ Multidistrict
Litigation

☐ Appeal to District
Judge from Magistrate
Judgment
V. NATURE OF SUIT (PLACE AN "X" IN ONE BOX ONLY)

CONTRACT	TORTS		FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES
<input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 151 Medicare Act <input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excl Veterans) <input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits <input type="checkbox"/> 160 Stockholders Suits <input type="checkbox"/> 190 Other Contract <input type="checkbox"/> 195 Contract Product Liability <input type="checkbox"/> 196 Franchise	PERSONAL INJURY <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault Libel & Slander <input type="checkbox"/> 330 Federal Employers Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input type="checkbox"/> 360 Other Personal Injury	PERSONAL INJURY <input type="checkbox"/> 362 Personal Injury Med Malpractice <input type="checkbox"/> 365 Personal Injury Product Liability <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability PERSONAL PROPERTY <input type="checkbox"/> 370 Other Fraud <input type="checkbox"/> 371 Truth in Lending <input type="checkbox"/> 380 Other Personal Property Damage <input type="checkbox"/> 385 Property Damage Product Liability	<input type="checkbox"/> 610 Agriculture <input type="checkbox"/> 620 Other Food & Drug <input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881 <input type="checkbox"/> 630 Liquor Laws <input type="checkbox"/> 640 RR & Truck <input type="checkbox"/> 650 Airline Regs <input type="checkbox"/> 660 Occupational Safety/Health <input type="checkbox"/> 690 Other LABOR <input type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Mgmt Relations <input type="checkbox"/> 730 Labor/Mgmt Reporting & Disclosure Act <input type="checkbox"/> 740 Railway Labor Act <input type="checkbox"/> 790 Other Labor Litigation <input type="checkbox"/> 791 Empl./Ret. Inc. Security Act	<input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157 PROPERTY RIGHTS <input type="checkbox"/> 820 Copyrights <input checked="" type="checkbox"/> 830 Patent <input type="checkbox"/> 840 Trademark SOCIAL SECURITY <input type="checkbox"/> 881 HIA (1395ff) <input type="checkbox"/> 882 Black Lung (923) <input type="checkbox"/> 883 DIWC/DIWW (405(g)) <input type="checkbox"/> 884 SSID Title XVI <input type="checkbox"/> 885 RSI (405(g)) FEDERAL TAX SUITS <input type="checkbox"/> 870 Taxes (US Plaintiff or Defendant <input type="checkbox"/> 871 IRS - Third Party 26 USC 7609	<input type="checkbox"/> 400 State Reapportionment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commerce/ICC Rates/etc. <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations <input type="checkbox"/> 810 Selective Service <input type="checkbox"/> 850 Securities/Commodities/ Exchange <input type="checkbox"/> 875 Customer Challenge 12 USC 3410 <input type="checkbox"/> 891 Agricultural Acts <input type="checkbox"/> 892 Economic Stabilization Act <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 894 Energy Allocation Act <input type="checkbox"/> 895 Freedom of Information Act <input type="checkbox"/> 900 Appeal of Fee Determination Under Equal Access to Justice <input type="checkbox"/> 950 Constitutionality of State Statutes <input type="checkbox"/> 890 Other Statutory Actions
REAL PROPERTY <input type="checkbox"/> 210 Land Condemnation <input type="checkbox"/> 220 Foreclosure <input type="checkbox"/> 230 Rent Lease & Ejectment <input type="checkbox"/> 240 Torts to Land <input type="checkbox"/> 245 Tort Product Liability <input type="checkbox"/> 290 All Other Real Property	CIVIL RIGHTS <input type="checkbox"/> 441 Voting <input type="checkbox"/> 442 Employment <input type="checkbox"/> 443 Housing <input type="checkbox"/> 444 Welfare <input type="checkbox"/> 440 Other Civil Rights <input type="checkbox"/> 445 Amer w/ disab - Empl <input type="checkbox"/> 446 Amer w/ disab - Other <input type="checkbox"/> 480 Consumer Credit <input type="checkbox"/> 480 Cable/Satellite TV	PRISONER PETITIONS <input type="checkbox"/> 610 Motion to Vacate Sentence Habeas Corpus: <input type="checkbox"/> 630 General <input type="checkbox"/> 635 Death Penalty <input type="checkbox"/> 640 Mandamus & Other <input type="checkbox"/> 650 Civil Rights <input type="checkbox"/> 655 Prison Condition			

VI. CAUSE OF ACTION (CITE THE US CIVIL STATUTE UNDER WHICH YOU ARE FILING AND WRITE BRIEF STATEMENT OF CAUSE. DO NOT CITE JURISDICTIONAL STATUTES UNLESS DIVERSITY)

35 U.S.C. sec. 271 et seq

Complaint for Patent Infringement

VII. REQUESTED IN COMPLAINT: ☐ CHECK IF THIS IS A CLASS ACTION DEMAND \$ ☐ CHECK YES only if demanded in complaint:
 UNDER F.R.C.P. 23 JURY DEMAND: ☒ YES ☐ NO

VIII. RELATED CASE(S) PLEASE REFER TO CIVIL L.R. 3-12 CONCERNING REQUIREMENT TO FILE IF ANY "NOTICE OF RELATED CASE".**IX. DIVISIONAL ASSIGNMENT** (CIVIL L.R. 3-2)

(PLACE AND "X" IN ONE BOX ONLY)

☐ SAN FRANCISCO/OAKLAND☐ SAN JOSE

DATE

11/23/10

SIGNATURE OF ATTORNEY OF RECORD

John Carpenter

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 2 Technology Licensing Company Inc.
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 4 Nicasio, CA 94946
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 9 *Technology Licensing Company Inc.*

FILED

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RICHARD W. WIEKING
 CLERK, U.S. DISTRICT COURT
 NORTHERN DISTRICT OF CALIFORNIA

E-filing

MEJ

10 **IN THE UNITED STATES DISTRICT COURT**
 11 **FOR THE NORTHERN DISTRICT OF CALIFORNIA**

Technology Licensing Company, Inc.,

Case No.:

Plaintiff

CV10 5401

COMPLAINT FOR INDUCING PATENT
 INFRINGEMENT, AND CONTRIBUTORY
 PATENT INFRINGEMENT

v.

Yamaha Corporation of America

DEMAND FOR JURY TRIAL

Defendant

Complaint for Patent Infringement

Case No.: _____ Technology Licensing Co v. Yamaha Corporation of America

1 **COMPLAINT FOR INDUCING PATENT INFRINGEMENT, AND CONTRIBUTORY**
2 **PATENT INFRINGEMENT**

3
4 Plaintiff, Technology Licensing Company Inc., complains of and for causes of action
5 against Defendant, Yamaha Corporation of America, alleges as follows:
6

7 **Nature of the Case**

8 1. This is an action arising under the Patent Laws and Statutes of the United States in
9 which Plaintiff seeks to recover for inducing patent infringement, and for contributory
10 infringement, and for any and all damages and costs flowing therefrom.
11

12
13 **Jurisdiction and Venue**

14 2. The Court has exclusive jurisdiction of the inducement of patent infringement claim,
15 and the contributory infringement claim, all asserted in this case pursuant to the Patent Laws and
16 Statutes of the United States (e.g., 35 U.S.C. §§ 271, *et seq.* and § 281) including 28 U.S.C. §§
17 1331, 1338, 2201-2202. Venue is proper in this district under 28 U.S.C § 1391.
18

19
20 **The Parties**

21 3. Plaintiff, Technology Licensing Company Inc. ("Plaintiff") is a California Corporation
22 with a principal place of business in Nicasio, California.
23

24 4. Defendant, Yamaha Corporation of America ("Defendant") is a California Corporation
25 having a principal place of business in Buena Park, CA 90810.
26
27
28

Plaintiff's Patent

5. Plaintiff is the owner of United States No.5,734,862 ("the Patent") which was duly issued on March 31, 1998. The Patent concerns *inter alia* embodiments for a system and method for making and/or viewing DVDs. Plaintiff has licensed the Patent to more than 20 (twenty) manufacturers and/or sellers of DVD Players.

COUNT I**(Actively Inducing Patent Infringement)**

6. This COUNT is instituted against Defendant for actively inducing patent infringement.

7. Plaintiff repeats and realleges the allegations set forth in paragraphs 1-5.

8. On information and belief, Defendant is manufacturing and/or selling and/or using and/or offering for sale and/or importing to persons in this Judicial District and elsewhere in the United States embodiments of the invention of the Patent.

9. On information and belief, when Defendant makes and sells and/or offers to sell to persons, embodiments of the invention of the Patent in this Judicial District and elsewhere in the United States, the sales are accompanied with documents, written instructions, and/or other instructions, from Defendant on how to operate embodiments of the invention of the Patent.

10. On information and belief, when Defendant accompanies its sales and/or offers to sell to persons with documents, written instructions, and/or other instructions, on how to operate embodiments of the invention of the Patent, Defendant was and is aware that such documents, written instructions, and/or other instructions, are inducing the persons to infringe the claims of

Complaint for Patent Infringement

Case No.: _____ Technology Licensing Co v. Yamaha Corporation of America

1 the Patent. On further information and belief, Defendant thereby has actively induced and/or is
2 actively inducing the persons in this Judicial District and elsewhere in the United States to infringe
3 the claims of the Patent.
4

5 11. On information and belief, at least one embodiment of the invention of the Patent
6 which Defendant is actively inducing infringement, and/or has actively induced infringement,
7 operates, at least in part, in accordance with and/or complies, at least in part, with technical
8 standards generally adhered to by the DVD Player Industry.
9

10 12. On information and belief, at least one embodiment of the invention of the Patent
11 which Defendant is actively inducing infringement, and/or has actively induced infringement,
12 operates, at least in part, in accordance with and/or complies at least in part with "DVD
13 Specifications for read-Only Disc, Part 3 VIDEO SPECIFICATIONS," Version 1.13, March
14 2002, published by DVD Format/Logo Licensing Corporation.
15
16

17 13. Plaintiff has suffered damages by reason of Defendant's active inducement of
18 infringement of the Patent, and will suffer additional damages unless Defendant is enjoined by the
19 Court from continuing to actively induce the infringement of the Patent.
20

21 14. On information and belief, Defendant's active inducement of the infringement of the
22 Patent has been willful and deliberate, thus warranting an increase of the damages recoverable by
23 Plaintiff under the provisions of 35 U.S.C. § 284, up to three times the amount of actual damages
24 sustained by Plaintiff, and also making this an exceptional case within the meaning of 35 U.S.C. §
25 285.
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Complaint for Patent Infringement

Case No.: _____ Technology Licensing Co v. Yamaha Corporation of America

COUNT II

(Contributory Infringement)

15. This COUNT is instituted against Defendant for contributory infringement the Patent.

16. Plaintiff repeats and realleges the allegations set forth in paragraphs 1-5.

17. On information and belief, the embodiments of the invention made and sold by Defendant to persons in this Judicial District and elsewhere in the United States constitute a material part of embodiments of the invention of the Patent. On further information and belief, Defendant knew and knows that such manufacture and sale of embodiments of the invention were and are especially made or especially adapted for use in infringement of the claims of the Patent, and that the embodiments of the invention were and are not staple articles or commodities of commerce suitable for substantial non-infringing use. Accordingly, on further information and belief Defendant has contributory infringed, and/or is contributory infringing, in this Judicial District and elsewhere in the United States the claims of the Patent.

18. On information and belief, at least one embodiment of the invention of the Patent which Defendant is contributory infringing, and/or has contributory infringed, operates, at least in part, in accordance with and/or complies, at least in part, with technical standards generally adhered to by the DVD Player Industry.

19. On information and belief, at least one embodiment of the invention of the Patent which Defendant is contributory infringing, and/or has contributory infringed, operates, at least in part, in accordance with and/or complies, at least in part, with "DVD Specifications for read-Only

Complaint for Patent Infringement

Case No.: _____ Technology Licensing Co v. Yamaha Corporation of America

1 Disc, Part 3 VIDEO SPECIFICATIONS," Version 1.13, March 2002, published by DVD
2 Format/Logo Licensing Corporation.

3
4 20. Plaintiff has suffered damages by reason of Defendant's contributory infringement of
5 the Patent, and will suffer additional damages unless Defendant is enjoined by the Court from
6 continuing contributory infringement of the Patent.

7
8 21. On information and belief, Defendant's contributory infringement of the Patent has
9 been willful and deliberate, thus warranting an increase of the damages recoverable by Plaintiff
10 under the provisions of 35 U.S.C. § 284, up to three times the amount of actual damages sustained
11 by Plaintiff, and also making this an exceptional case within the meaning of 35 U.S.C. § 285.
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15

16 **RELIEF**

17
18 WHEREFOR PLAINTIFF PRAYS:

19 (a) For decree and judgment against Defendant and all in privity with Defendant that the
20 Patent is valid and enforceable;

21
22 (b) For decree and judgment against Defendant and all in privity with Defendant, that the
23 Patent is, and has been, infringed by Defendant and that Defendant is liable as a patent infringer;

24 (c) For decree and judgment against Defendant and all in privity with Defendant, that the
25 Patent is, and has been, infringed by active inducement of infringement by Defendant and that
26 Defendant is liable as an active inducer of infringement;
27
28

Complaint for Patent Infringement

Case No.: _____ Technology Licensing Co v. Yamaha Corporation of America

1 (d) For decree and judgment against Defendant and all in privity with Defendant, that the
2 Patent is, and has been, contributory infringed by Defendant and that Defendant is liable as a
3 contributory infringer;
4

5 (e) For an accounting for, and an assignment of, an award of profits derived by Defendant
6 and damages suffered by Plaintiff in consequence of the active inducement of patent infringement,
7 and the contributory infringement, of the Patent;
8

9 (f) For a decree and judgment against Defendant trebling the profits derived by Defendant
10 and damages suffered by Plaintiff pursuant to statute (e.g., 35 U.S.C. § 284);
11

12 (g) For an injunction permanently enjoining Defendant, its officers, agents, servants,
13 employees, attorneys and all those in active concert, participation or privity with Defendant from
14 further active inducement and/or contributory infringement, in any form what ever, of the Patent;
15

16 (h) For the costs of this suit, reasonable attorney's fees as provided by statute (e.g., 35
17 U.S.C. § 285), and an assessment of interest and cost against the Defendant;
18

19 (i) For prejudgment interest at the maximum rate allowed by law;
20

21 (j) For post judgment interest at the maximum rate allowed by law, from the date of the
22 judgment until paid; and
23

24 (k) For such other and further relief which should appear just and equitable to this Court.
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27
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Complaint for Patent Infringement

Case No.: _____ Technology Licensing Co v. Yamaha Corporation of America

DEMAND FOR JURY TRIAL

In accordance with Civil Local Rule No. 3-6, Plaintiff requests for a trial by jury.

Respectfully submitted,



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